

ATTACHMENT 5—PLAINTIFF’S SUBMISSION

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SOVERAIN SOFTWARE LLC,)
Plaintiff,)
v.) Case No. 6:07-CV-00511-LED
CDW CORPORATION,)
NEWEGG INC.,)
REDCATS USA, INC.)
SYSTEMAX INC.,)
ZAPPOS.COM, INC.,)
REDCATS USA, L.P.,)
THE SPORTSMAN’S GUIDE, INC.,)
AND)
TIGERDIRECT, INC.,)
Defendants.)

PLAINTIFF’S SUBMISSION OF JOINT PROPOSED VERDICT FORM

In answering these questions, you are to follow all of the instructions I have given you in the Charge of the Court.

QUESTION NO. 1

- A. Did Soverain prove, by a preponderance of the evidence, that Newegg directly infringed the patent claims of the '314 Patent and the '492 Patent?
- B. Did Soverain prove, by a preponderance of the evidence, that Newegg induced infringement of the patent claims of the '314 Patent and the '492 Patent?

For each claim, answer “Yes” or “No” in column 1A. If for any claim your answer in column 1A is “No,” then for that claim you must answer “Yes” or “No” in column 1B. If for any claim your answer in column 1A is “Yes,” then do not answer column 1B for that claim.

'314 Patent:

	1A (Direct Infringement)	1B (Inducement of Infringement)
Claim 35:	_____	_____
Claim 49:	_____	_____
Claim 51:	_____	_____

'492 Patent:

	1A (Direct Infringement)	1B (Inducement of Infringement)
Claim 17:	_____	_____
Claim 41:	_____	_____
Claim 61:	_____	_____

QUESTION NO. 2

Did Soverain prove, by a preponderance of the evidence, that Newegg directly infringed the patent claims of the '639 Patent?

For each claim, answer “Yes” or “No.”

'639 Patent:

Claim 60: _____

Claim 66: _____

Claim 68: _____

Claim 79: _____

QUESTION NO. 3

3. Did Newegg prove, by clear and convincing evidence, that the patent claims of the '314 Patent, the '492 Patent, and the '639 Patent are invalid as anticipated by the prior art?

For each claim, answer “Yes” or “No.”

'314 Patent:

Claim 49: _____

'492 Patent:

Claim 17: _____

'639 Patent:

Claim 60: _____

Claim 68: _____

QUESTION NO. 4

4. Did Newegg prove, by clear and convincing evidence, that the patent claims of the '314 Patent, the '492 Patent, and the '639 Patent are invalid as obvious to a person of ordinary skill in the field of technology at the time the invention of that claim was made?

For each claim, answer “Yes” or “No.”

'314 Patent:

Claim 34: _____

Claim 51: _____

'492 Patent:

Claim 17: _____

Claim 41: _____

'639 Patent:

Claim 60: _____

Claim 66: _____

Claim 68: _____

Claim 79: _____

Answer Question No. 5 for any patent for which you answered “Yes” for one or more of the claims in Question No. 1, and for which you also answered “No” for the same claim in both Questions Nos. 3 and 4.

QUESTION NO. 5

5. What sum of money, if paid now in cash, do you find should be awarded to Soverain as adequate to compensate it for the patent claims you have found to have been infringed?

'314 Patent and/or '492 Patent \$_____

Answer Question No. 6, if you answered “Yes” for one or more of the claims in Question No. 2, and for which you also answered “No” for the same claim in both Questions Nos. 3 and 4.

QUESTION NO. 6

6. What sum of money, if paid now in cash, do you find should be awarded to Soverain as adequate to compensate it for the patent claims you have found to have been infringed?

'639 Patent

\$ _____

SIGNED this _____ day of February, 2010.

JURY FOREPERSON